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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER DOCUMENTING
)	EXCLUSION OF TIME
DAVID NOSAL and)	
BECKY CHRISTIAN,)	
)	
Defendant.)	

With the agreement of the parties in open court on June 16, 2008, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from June 16, 2008, to July 7, 2008, with respect to the defendant David Nosal. The parties stipulate, and the Court finds and holds, as follows:

1. Counsel for the defendant Nosal appeared before the Court on June 16, 2008, along with counsel for the government, counsel for the defendant Christian, and the defendant Christian. The defendant Nosal's appearance had previously been excused. After argument regarding the defendant Christian's motion to sever, the Court granted the motion and set a trial date with respect to the defendant Christian of August 5, 2008.

2. With respect to the defendant Nosal, the Court set a hearing for July 7, 2008, for the Court to address the government's and the Court's concerns regarding a potential conflict of interest issue and to set further dates. Counsel for the defendant

Nosal stated that the defense intended to file pre-trial motions in this matter and that counsel would need additional time to effectively prepare those motions. Continuing the case until July 7, 2008, will give the defendant Nosal and his counsel additional time to investigate and to become more familiar with the case.

3. Based on the facts set out above and on the record in open court, the Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, granting a continuance until July 7, 2008, with respect to the defendant Nosal is necessary based on the complexity of this case, on the amount of discovery that has been and will be produced, on the need for defense counsel to prepare motions, and on the need for effective preparation of defense counsel. See 18 U.S.C. § 3161(h)(8)(B)(ii) & (iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from June 16, 2008, to July 7, 2008, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

4. Accordingly, and with the consent of the defendant David Nosal, the Court orders that the period from June 16, 2008, to July 7, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

SO STIPULATED.

DATED: June 20, 2008

BRIAN J. STRETCH
Acting United States Attorney

/s/
KYLE F. WALDINGER
Assistant United States Attorney

DATED: June 20, 2008

/s/
STEVEN F. GRUEL
Attorney for the defendant David Nosal

IT IS SO ORDERED.

July 3, 2008
DATED: June ___, 2008

MARILYN HALL PATEL
United States District Judge
IT IS SO ORDERED
Judge Marilyn H. Patel